

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-7884

In Re: DEMMERICK ERIC BROWN, a/k/a
Demetrious Eric Brown, a/k/a
Denrick Eric Brown,

Petitioner.

On Petition for Writ of Mandamus
(CA-01-144)

Submitted: January 13, 2005

Decided: January 21, 2005

Before WIDENER, NIEMEYER, and GREGORY, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Demmerick Eric Brown, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Demmerick Eric Brown petitions for writ of mandamus seeking an order from this court to have the Virginia Parole Board change a prior decision finding that he was statutorily ineligible for parole. Mandamus relief is only available when there are no other means by which the relief sought could be granted, In re Beard, 811 F.2d 818, 826 (4th Cir. 1987), and may not be used as a substitute for appeal. In re Catawba Indian Tribe, 973 F.2d 1133, 1135 (4th Cir. 1992). Accordingly, while we grant leave to proceed in forma pauperis, we deny the motion for appointment of counsel and the mandamus petition. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED